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SENT BY FAX AND MAIL

December 24, 2010

Deputy Chief Anthony Warr [REDACTED]
Specialized Operations Command
Toronto Police Service
41 College St.
Toronto, ON
M5G 2J3

Dear Deputy Chief Warr:

Re: Racist Hate Mail sent to African-Canadian Corrections Officers at the Toronto Jail

We represent Mr. Leroy Cox, a correctional officer employed by the Ministry of Community Safety and Correctional Services, working at the Toronto Jail. Mr. Cox has been the recipient of racist hate propaganda, in the form of letters, sent to his workplace advocating for the genocide of “black” correctional officers working at the Toronto Jail.

We write to request that a new criminal investigation, led by investigators from the Toronto Police Service Hate Crimes Unit, be conducted with respect to the racist hate letters being sent to African-Canadian correctional officers. The most recent letter was received in late November, 2010 and was addressed to correctional officers currently working at Mimico Correctional Centre, but formerly employed at the Toronto Jail.

We have enclosed copies of all the letters in our possession, received to date, advocating for the killing of “black” correctional officers working within the Toronto Jail.

History of Racist Acts at the Toronto Jail

In 2004, racist graffiti began to appear in the staff washrooms, staff locker rooms and the control modules in the units of the Toronto Jail. The graffiti appeared only in areas to which inmates are denied access. The graffiti was both racist and threatening in nature, examples of which included the words “Nigger” and “Black Bitch”. The graffiti was always removed by either maintenance staff or the security manager.

In 2005, racist hate mail began arriving at the Toronto Jail that specifically threatened African-Canadian correctional officers. The letters stated things such as:

“UGO HAS BEEN WORKING ON THE FINAL STAGE OF STRATEGY TO TAKE DOWN THE FUCKING NIGGAS UGO WILL NOT REST UNTIL ONE OR MORE OR ALL THE FUCKING NIGGA SCUMBAGS BE KILLED.... SEGREGATION TODAY, SEGREGATION TOMORROW AND SEGREGATION FOREVER. KKK”

As a result of these letters, grievances were filed by correctional officers against the employer for failure to provide a workplace that was free from harassment and discrimination based on race. Specifically, the grievors requested an investigation by which the perpetrators of the racist hate mail could be identified and held criminally responsible for their actions.

It is believed, that as retaliation for the grievances being filed, African-Canadian correctional officers began having their cars vandalized while parked in the staff parking lot. The damage to their vehicles included scratches made by sharp objects and garbage being thrown on to the hoods and roofs of the cars. The only cars that were vandalized were cars belonging to racialized correctional officers.

The grievances were taken over by the union, OPSEU, and consolidated into a mediation/arbitration process. In dealing with the grievances, the employer conducted an internal investigation and also made contact with investigators at the Toronto Police Service. The internal investigation did not produce any suspects, and the Toronto Police Service investigation seems to have been stalled, and has not been able to produce a single suspect.

As part of the grievance process, many of the African-Canadian correctional officers that were the subjects of the racist hate mail at the Toronto Jail were transferred to other institutions, however, the racist hate mail continued. In January 2009, more racist hate mail was received at the Toronto Jail addressed to African-Canadian correctional officers. The letters continued to advocate for the killing of “black” correctional officers.

“... YOU WERE ORDERED TO KEEP THIS MATTER PRIVATE AND CONFIDENTIAL DID NOT COMPLY THEREFORE A DIFFERENT APPROACH WILL BE TAKEN SADLY WE RULE WE ARE IN CHARGE WE ARE THE WINNERS AND YOU MEDIA-HAPPY NIGGAS ARE NOT MAKING IT ANY EASIER YOU FUCKERS KEEP PUSHING AND BE PUSHED HARDER THE WHITES ARE SUPREMACY AND NIGGAS ARE OUR SLAVES... FUCK ALL NIGGAS KILL ALL NIGGAS SO ALL NIGGAS NIGGAS MUST BE KILLED.”

The “hate mail protocol” created through the mediation/arbitration process stipulated that all hate mail received at the Toronto Jail was to be turned over to police and a copy given to the individuals threatened in the hate mail. The updates received about the status of the investigation with respect to the racist hate mail have been sparse and did not offer any real information about the status of the investigation.

On April 1, 2010, another letter was received addressed to correctional officers at the Toronto Jail. This letter specifically threatened the life of our client, Mr. Leroy Cox.

“....SOME OF THESE ASSHOLE NIGGAS WILL BE KILLED IF YOU BACK THESE NIGGAS IN ... COX... SEGREGATION TODAY SEGREGATION TOMORROW, SEGREGATION FOREVER...”

In September, 2010, the management at the Toronto Jail informed its employees that there had been a security breach and that the personal information contained in their Workplace Information Network (WIN) records dated up until March 31, 2009, was stored on an internal drive that was accessible to all employees. The WIN records included information such as salary information, home addresses, home telephone numbers and next of kin information. This information was removed from the internal drive on September 12, 2010.

In late November 2010, another piece of racist hate mail was sent to former correctional officers of the Toronto Jail, now employed at another correctional facility.

“... IT WILL BE SO MUCH EASIER TO FUCK YOU ALL OVER HAVE YOUR NUMBER RUNNING BUT YOU JUST CANNOT HIDE RATFAG IS IN HIDING RECUPERATING SMART ASSHOLE YOUR ASS SHOULD HAVE BEEN KILLED WHEN THE ATTEMPT WAS MADE FAGS MUST BE KILLED THEN BURNT THE PIECE OF CARDBOARD WAS MEANT TO BURN YOUR APARTMENT DOWN BUT THE GAS WAS MISSING...SURE ALL THE BLACKLISTED NIGGAS RECEIVE A COPY OR IF YOU PREFER IT CAN BE MAILED TO THEM PERSONALLY- DON'T EVEN THINK ABOUT TAKING ACTION BECAUSE YOU KNOW AS MUCH AS- UGO- THAT NOTHING WILL BECOME OF IT- YOU HAVE ALL BEEN BOUGHT OUT AS IS THE NORM WHITES BUY AND SELL SLAVES NIGGAS AND THAT HAS NOT BEEN CHANGE AND WILL NEVER BE...”

Thus far, the perpetrator(s) of these racist hate letters have gone unidentified, and the first investigation undertaken into the sources of the racist hate mail has lacked sufficient resources to carry out a full and competent investigation of the matter. Mr. Cox has made numerous attempts, both personally and through counsel, to receive an update on the status of the investigation through OPSEU; however, as stated earlier, any status updates on the investigation have been sparse. Mr. Cox requested that OPSEU work with his independent counsel in moving the investigation forward to apprehend those responsible for the racist hate mail. Unfortunately, OPSEU took the position that they were unwilling to work with Mr. Cox and his independent counsel, and instead has chosen to make Mr. Cox an observer in the process, while his life is continually being threatened in the letters.

In light of the security breach of personal information at the Toronto Jail and reference in the most recent letter to the ability to contact individuals personally at their home addresses, it is our view that the threats of murder and other violence espoused in the letters now takes on a different dimension and requires immediate attention from the Toronto Police Hate Crimes Unit. We are requesting that new investigators from the Hate Crimes Unit be assigned immediately to this matter and we are requesting a meeting to discuss with you the effects that the threats of racial genocide have had on our client.

Please feel free to contact the undersigned should you have any questions or require further information. Your prompt attention to this matter would be greatly appreciated.

Yours very truly,
FALCONER CHARNEY LLP



Julian N. Falconer

Encls (to follow by mail)